

district.

PARTIES

3. Petitioner, Denise Wells, is an individual, f/k/a Denise Wells Novotny, and d/b/a Armaments International. Petitioner has, at all relevant times, operated as a federally licensed dealer of firearms under License No. 5-76-157-01-3H-02696.

4. Respondent, Tanarra James is the Director of Industry Operations, Houston Field Division of the Bureau of Alcohol, Tobacco, Firearms and Explosives. As Director of Industry Operations for the Bureau of Alcohol, Tobacco, Firearms and Explosives, Ms. James made the decision to revoke Petitioner's FFL and/or to deny Petitioner's renewal application of the same.

FACTS

5. On or about June 10, 2013, Ms. Tanarra James, Director of Industry Operations for the Houston Field Division of the Bureau of Alcohol, Tobacco, Firearms and Explosives, notified the petitioner, (at that time, Denise Wells Novotny), d/b/a Armaments International, of the revocation of her Federal firearms License 576-157-01-3H-02696 for her (Petitioner's) willful violation of the provisions of the Gun Control Act of 1968, as amended, 18 U.S.C. Chapter 44, and the regulations issued thereunder, 27 Code of Federal Regulations Part 478.

6. The director advised the petitioner that she could file a request for a hearing, pursuant to 18 USC § 923(f)(2), to review the revocation of her license, the timely filing of which would stay the effective date of the revocation, pending review, pursuant to the hearing. Petitioner timely filed her request for such hearing. That hearing was held beginning on November 5, 2013.

7. Four months later, on or about March 5, 2014, Director Tanarra James rendered her decision and notified Petitioner that her Federal firearms license had been revoked, and/or that

her renewal of that license was denied.

8. Petitioner was advised that a petition for judicial review of this decision could be filed with the district court pursuant to 18 U.S.C. §923(f)(3). This filing constitutes the petitioner's appeal to the District Court for a *de novo* review of the revocation/denial of her renewal application for her Federal firearms license.

9. The petitioner specifically denies the findings and conclusions rendered in the director's Notice of Revocation dated June 10, 2013, as well as those rendered and attached to her Final Notice of Denial of Application or Revocation of Firearms License, dated March 5, 2014.

10. Petitioner, d/b/a Armaments has conducted all of its business, including the purchase of any firearms, in good faith and in a lawful manner. There has been no willful violation of the provisions of Chapter 44, Title 18 United States Code, or the regulations issued thereunder.

AUTHORITY AND ARGUMENT FOR DE NOVO REVIEW

11. Proceedings regarding issuance and renewal of Federal firearms licenses are controlled by 18 USC § 923 and 27 CFR §§ 478.71 - 478.78. 18 USC §923 (t)(3) provides that if, after an administrative hearing, the Attorney General gives notice of his decision to deny an application for a Federal firearms license, the disapproved applicant may, within 60 days, "file a petition with the United States district court for the district in which he resides or has his principal place of business for a de novo review of such denial "

12. 27 CFR §§478.71 - 478-78 provide factual responsibility for all such proceedings to be under the purview of the Director of Industry Operations. 27 CFR §478.78 provides, in pertinent part, that: "If a licensee is dissatisfied with a post hearing decision ... denying the application, ... he may, pursuant to 18 U .S.C. 923(f)(3), within 60 days after receipt of the final notice denying the application ... , file a petition for judicial review of such action." Petitioner is dissatisfied

with the decision to deny her application to renew her Federal Firearms license.

CONCLUSION & PRAYER

13. In order to deny an application for a firearms license, the director must prove that any alleged violations of the Gun Control Act or regulations were willful. Petitioner denies the allegations against her in their entirety and also denies that any of the alleged violations were willful.

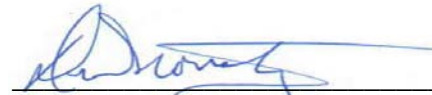
14. At the hearing before the district court on *de novo* review, the petitioner intends to show that there was no willful violation and that the petitioner has always acted in good faith.

15. Accordingly, the petitioner respectfully requests a review by the district court of the Director's decision to revoke Petitioner's Federal firearms license and/or to deny Petitioner's renewal application of that license, and a hearing, as soon as possible.

WHEREFORE, PREMISES CONSIDERED, Petitioner respectfully requests the Court to:

- a. Grant Petitioner a *de novo* review of the decision to revoke/deny her application for renewal of her Federal firearms license;
- b. Find that Petitioner has not willfully violated any provisions of Chapter 44, Title 18, United States Code or its implementing regulations;
- c. Order the renewal of Petitioner's Federal firearms license;
- d. Grant Petitioner all such other and further relief, general and special, at law or in equity, to which she may be entitled.

Respectfully Submitted,



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